

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE PROCTER & GAMBLE COMPANY,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-940 (JJF)
)	
TEVA PHARMACEUTICALS USA, INC.)	
)	
Defendant.)	
_____)	

STIPULATION AND ORDER

Plaintiff, Procter & Gamble Company. ("P&G") and Defendant Teva Pharmaceuticals USA, Inc. ("Teva") agree as follows:

Teva hereby stipulates that the commercial marketing of Teva's proposed 5 mg, 30 mg, and 35 mg risedronate sodium tablets, in accordance with ANDA No. 77-132, would infringe claims 4, 11, 12, 14, 16 and 23 of U.S. Patent No. 5,583,122 if those claims are valid.

This stipulation is in regard to the above-listed claims only, and for purposes of the above captioned litigation only, and has no bearing on the patent claims of any other patent belonging to P&G or any future claims that may arise from any amendment to ANDA No. 77-132. This stipulation is not evidence of the infringement of any claim of any existing or future patent belonging to P&G, except for the claims specifically listed herein.

RICHARDS LAYTON & FINGER, P.A.



Frederick L. Cottrell (No. 2555)
Steven J. Fineman (No. 4025)
One Rodney Square
P.O. Box 551
Wilmington, DE 19899-0391
Telephone: (302) 651-7700
Cottrell@rlf.com

YOUNG CONAWAY STARGATT &
TAYLOR, LLP



Josy W. Ingersoll (No. 1088)
Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0551
Telephone: (302) 571-6600
kkeller@ycst.com

Of Counsel:

William F. Lee
David B. Bassett
Cynthia D. Vreeland
Vinita Ferrera
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000

Attorneys for The Procter & Gamble
Company

Dated: January 27, 2006

Of Counsel:

James Galbraith
Maria Luisa Palmese
Antony Pfeffer
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Telephone: (212) 425-7200

Attorneys for Teva Pharmaceutical
USA, Inc.

Dated: January 27, 2006

SO ORDERED this ____ day of January, 2006.

United States District Judge